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July 14, 2008

Thomasenia Duncan, Esq.
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

MUR # 6042

2008 JUL 15 PM 3:40

Re: Complaint against Pat Roberts & Roberts for Senate

Dear Ms. Duncan,

I write this letter to file a complaint pursuant to 2 U.S.C. § 437g(a)(1) against Pat Roberts and his principal campaign committee, Pat Roberts for US Senate ("Respondents"). The facts indicate that Respondents violated the "Stand By Your Ad" requirements of the Bipartisan Campaign Reform Act of 2002.

THE FACTS

On or about June 10, 2008, Respondents began to air a broadcast television advertisement, which is attached. At the beginning of the advertisement, Mr. Roberts states in voice-over, "I'm Pat Roberts; I approved this message." At the same time, a video of Mr. Roberts appears; for half the period the voice-over is airing, the image of Mr. Roberts is almost entirely obscured by the shoulder of an unidentified man in the foreground. There is also a written disclaimer at the beginning of the advertisement stating: "Paid for and authorized by Pat Roberts for US Senate."

At the end of the advertisement there is no written disclaimer at all.

LEGAL ARGUMENT

The Bipartisan Campaign Reform Act of 2002 added a "Stand By Your Ad" provision requiring that broadcast television advertisements contain statements by a candidate noting that he or she has approved the advertisement. Under the applicable Federal Election Commission regulations, a television advertisement authorized by a candidate must contain an audio statement by the candidate identifying the candidate and stating that he or she approved the message; the audio voice-over must be accompanied by either "an unobscured, full-screen view" of the candidate, or else a picture of the candidate that is "at least eighty (80) percent of the vertical screen height." 11 C.F.R. § 110.11(c)(3)(ii). The advertisement must also contain "a similar statement that must

appear in clearly reading writing at the end of the television communication." *Id.*
§110.11(c)(3)(iii).

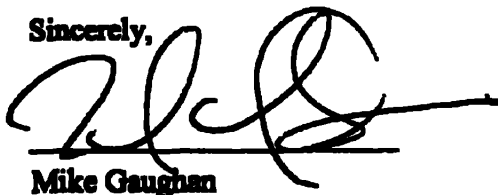
Respondents' advertisement does not conform to these requirements, for at least two reasons:

- First, Mr. Roberts's image at the beginning of the advertisement is purposely obscured.
- Second, the written disclaimer is insufficient. Not only is it placed at the beginning of the advertisement instead of the end; it also does not state that Mr. Roberts approved the communication, instead noting only that his campaign committee authorized it.

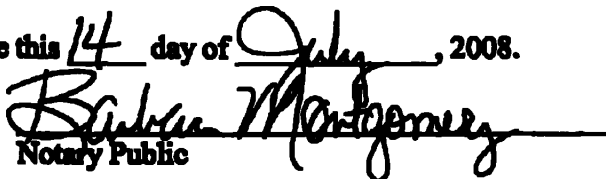
While these requirements are technical, they serve an important purpose: they require candidates to endorse, clearly and plainly, the content of their advertisements. By including an insufficient image of himself, by neglecting to include a properly worded written approval statement, and by placing that statement at the beginning instead of the end of the advertisement, Mr. Roberts and his campaign have thus blatantly violated federal election law. By minimizing and improperly placing the Stand By Your Ad requirements, Respondents seek to distance Mr. Roberts from the scurrilous attacks on his opponent, Jim Slattery, featured in this advertisement. Federal law does not permit such a result.

The Commission should investigate immediately the violations presented herein, enjoin Mr. Roberts and his campaign from further violations, and fine them the maximum amount permitted by law.

Sincerely,


Mike Gaughan

SUBSCRIBED AND SWORN to before me this 14 day of July, 2008.


Notary Public

My Commission Expires:

4-18-10

